

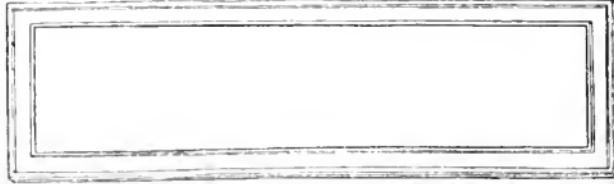
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GOVERNMENT.

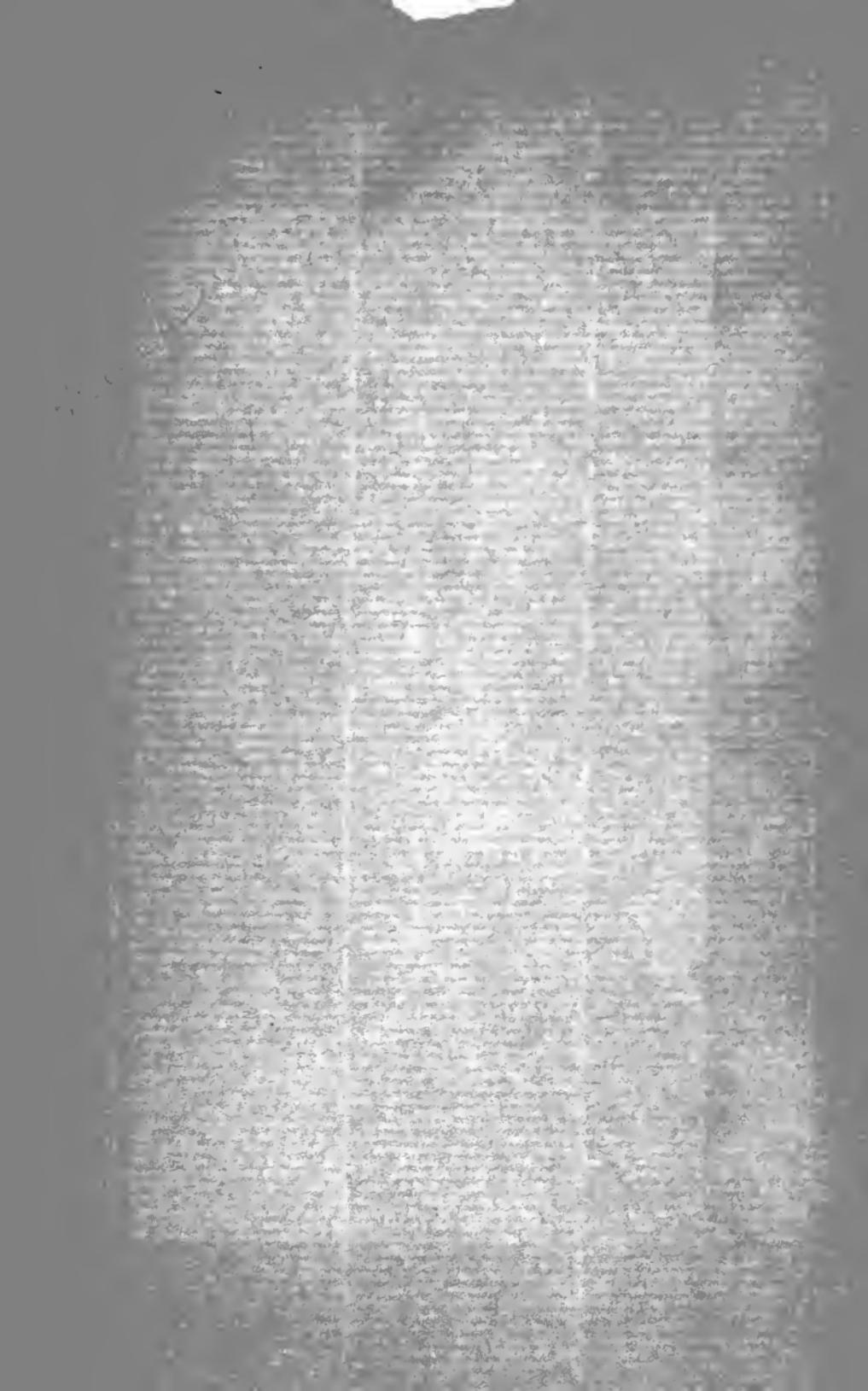
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J. R. SEAGER.

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THE  
GOVERNMENT OF LONDON  
UNDER  
THE LONDON GOVERNMENT ACT, 1899

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# THE GOVERNMENT OF LONDON

UNDER

## THE LONDON GOVERNMENT ACT, 1899

BY

J. RENWICK SEAGER, L.C.C.

AUTHOR OF "NOTES ON REGISTRATION," "THE MUNICIPAL ELECTIONS ACT, 1884," "THE FRANCHISE ACT, 1884," ETC., ETC.

London

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## PREFACE

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THE following notes, written in explanation of the provisions of the Local Government Act, 1899, where dealing with enactments of other statutes, do not quote *in extenso* the sections referred to; but as this book is not in any way intended for the use of skilled persons, but rather for the ordinary members of the public, the substance of these provisions have been given, and not their actual language.

The author has endeavoured in simple fashion to place in the hands of his reader the effect of this last attempt to improve the local government of London, and he trusts that indulgence may be extended to him in the difficult task undertaken.

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## INTRODUCTION

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IT is often alleged as a matter of complaint that London was disregarded by the Legislature when the Municipal Corporation Act of 1835 was passed, and that towns of smaller importance were elevated into municipalities, with superior administrative powers, while London was allowed to remain without corporate life.

While this complaint is not without foundation, it is well to remember that the Metropolis at that time was wanting in many of the requisites necessary to incorporation.

At that time the City of London was not only the commercial centre it is at present, but was London, surrounded by

large and growing villages, with enormous open spaces, then beautiful as rural resting-places, where the wealthy had country seats, and to which the Londoner turned for recreation and fresh air.

Lewis's "Topographical Dictionary," so late as 1831 speaks of the villages of Chelsea, Knightsbridge, Paddington, Camden Town, Islington, and Mile End; while a map of London and its suburbs published at the same date is decorated with the City Arms. Islington, in the same work, is described in 1831 as a "village pleasantly situated on the Great North Road," and it says "the land in the neighbourhood is principally occupied by cowkeepers, who have very extensive dairies for supplying the inhabitants of the Metropolis with milk."

Then the citizen of London, as his forefather had done before him, lived in the City, over his shop or warehouse, and the ever-increasing demand for office and warehouse space had not made it a matter

of necessity that the commercial man should only use the City during business hours. The population of the City of London in 1835 was 123,000, whereas in 1896 it was only 31,000.

The City of London, proud of its ancient history, its charters, its privileges, and its wealth, successfully defeated the attempts made to include it in the scope of the Municipal Corporation Act of 1835, and has remained the only important unreformed Corporation in the country.

Of the government of London prior to the time of the Metropolis Management Act, 1855, it may be said to have been chaos, in spite of the fact that some 250 private Acts of Parliament were in force, dealing with the regulation of the various parishes and districts, and that those Acts, constituting various bodies of Commissioners, were administered by 300 distinct boards, and over 10,000 persons were taking part in London local government.

Sanitation in poor districts was ne-

glected; the details of the disgraceful condition of streets and courts inhabited by the poorest classes revealed by the Commissions which were appointed to inquire into the question are harrowing to read; and although at the present time insanitary areas are not unknown in London and the housing question is still a serious one, the condition of darkest London pales before the lurid picturing of the Commissioners' reports in those days.

The system of main drainage had not at that time been inaugurated. Cesspools and drainage into small streams and into the Thames itself left London open to outbreaks of virulent epidemics.

The Thames itself had become a vast sewer, which was supposed to carry out to sea the sewage of a rapidly growing town, but which in reality only carried it down till with the turn of the tide it bore it back again, to deposit it on the banks of the river, or to return still more putrid, its exhalations carrying germs of disease.

No wonder that from time to time cholera broke out, with terrible effect upon the death-rate. The water supply of London was also in a bad way ; the liquid sewage of the Thames being taken from the river at Chelsea and distributed to the district adjacent, and in many places pumps and wells were the only means of supply.

The various governing bodies in London were either select vestries or commissioners of sewers, or paving boards. They were elected with varying qualifications, some upon a rating of £75, others not less than £10. They spent the ratepayers' money apparently at their own sweet pleasure, and they were not necessarily appointed to deal with a whole parish. In St. George the Martyr, Southwark, six boards dealt with the paving of the streets, each with its own officials ; in the Strand district there were seven paving boards, each with its own staff of surveyors, clerks, &c. ; all

this at enormous cost and without supervision. In some districts the dividing line between adjoining parishes ran down the centre of the main road, leading to endless disputes, to the detriment of the public. It is said that in one road the two local bodies quarrelled when the watering should be done, with the result that one side was watered in the morning and the other in the evening, and the inhabitants enjoyed the dust all day.

The persons who had the right of voting were extremely limited; in some parishes there was plurality of voting according to the rateable value of the property occupied, none having a vote who were rated at less than £10, and the number of votes to each occupier of requisite value ranged from one to six, with the result that in one case 607 occupiers possessed 3,642 votes, against 3,582 other inhabitants only possessing one vote each.

It not infrequently happened that the

cost of administration exceeded the cost of maintenance. In one case quoted by Sir Benjamin Hall there was a rate of 2s. 6d. in the £; the sum expended in repairs was £1 17s. 4d., the salaries were £183 8s. 9d. In another district the Commissioners were self-elected; they had incurred a debt of £11,000; their expenditure on maintenance amounted to £336, while the salaries of officials came to £408 17s.

In 1855 the population of London had increased to 2,500,000 from 1,800,000 in 1835, and Parliament at last took some notice of the Metropolis, and, thanks to Sir Benjamin Hall, M.P. for Marylebone, the Metropolis Management Act was passed in 1855.

This was the first attempt to deal with the Metropolis as a whole. It provided for two classes of local bodies; in the larger parishes, under Schedule A, the vestries elected were administrative bodies; under Schedule B their powers

consisted chiefly in appointing overseers and electing representatives to sit on a local Board of Works, who had similar powers conferred on them as were exercised by the vestries under Schedule A, and one district, Woolwich, which had a local Board of Health.

In 1894 a reformed system of local government was extended to parishes throughout the country, provision being made for the formation of Rural District Councils in villages and Urban District Councils in towns. The Act applied to London vestries all the powers of the Urban District Council, and also created an extended franchise. Prior to the passing of this Act, only rated occupiers were entitled to vote for the election of vestrymen. There was no register, and the rate-book was used as a register of occupiers. While, to be qualified to stand for election in some parishes it was necessary to be rated to at least £25, and in other parishes as much as £40. All persons,

male or female, on the Parliamentary or Municipal Register, including lodgers and service-voters—and a separate list for married women who are themselves tenants of property — were made parochial electors, and will now be entitled to vote for the Borough Councils, and in the case of male electors to be elected councillors.

The present Act takes another step in the progressive path. It creates new boroughs for local government purposes with elected councillors, co-opted aldermen, and a mayor for each borough, who will be ex-officio a Justice of the Peace. It confers some little extra power on the new bodies ; it enlarges the areas of local administration ; it reduces the number of the members of the Council ; it gets rid of the non-administrative vestries, and of the boards of commissioners to carry out the adoptive Acts, transferring all these matters to the control of the new Municipal Councils.

The overseers are practically abolished.

The Councils will in future be the rating authority, will make and collect the rates, and will issue a uniform demand note to be settled by the Local Government Board. The demand note will state the rateable value of the premises, the rate in the pound, the period for which the rate is made, the purposes for which the rate is levied, and the approximate amount in the pound required for each purpose.

Where any portion of one of the new boroughs has already adopted either the Libraries Acts or the Baths and Wash-houses Acts or the Burial Acts, and has incurred liabilities and an extra rate, the amount of such a rate will be charged as a special rate in addition to the general borough rate, upon the parish which had incurred the liability.

The general rate will include not only the rate for the expenses of the Borough Council, but sewers rate, lighting rate, and poor rate. Where parishes are combined into a new borough, the rate will be levied

as between the parishes according to their rateable value.

The duties of the overseers with respect to the registration of voters and the compilation of the jury list will in future be carried out by the Town Clerk. With reference to the registration of voters, not only will the Town Clerk prepare and publish the lists of persons entitled to vote, but when the lists have been revised by the Revising Barrister, he will print and publish the Register. Hitherto this duty has been cast upon the Parliamentary Returning Officer. The Act does not interfere in any way with the administration of the Poor Law.

On the whole, while considerable doubt was felt in London on the introduction of the Bill that its title was a misnomer and that it was not one for the better government of London, the process of amendment it has gone through and the frank criticisms it received from the supporters of the Government in the House of Com-

mons had a salutary effect, and the result is that there is every prospect of the Act being a beneficial one for London ; and if it does no more than to arouse public interest in local affairs among Londoners beyond what they have evinced in times gone by, the Act will have conferred a public benefit.

THE  
LONDON GOVERNMENT ACT,  
1899.

62 & 63 VICT. CHAPTER 14.

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An Act to make better provision for Local  
Government in London.

[13th July 1899.]

BE it enacted by the Queen's most Excellent  
Majesty, by and with the advice and consent  
of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assem-  
bled, and by the authority of the same, as  
follows :—

ESTABLISHMENT OF METROPOLITAN  
BOROUGHS.

1. The whole of the administrative county

of London, exclusive of the City of London, shall be divided into metropolitan boroughs (in this Act referred to as boroughs), and for that purpose it shall be lawful for her Majesty by Order in Council, subject to and in accordance with this Act, to form each of the areas mentioned in the First Schedule to this Act into a separate borough, subject, nevertheless, to such alteration of area as may be required to give effect to the provisions of this Act, and subject also to such adjustment of boundaries as may appear to her Majesty in Council expedient for simplification or convenience of administration, and to establish and incorporate a council for each of the boroughs so formed.

By this section a new class of boroughs is created, without any of the powers conferred on provincial towns by the Municipal Corporation Acts; neither are they County Boroughs, such as are provided for in the Local Government Act, 1888. If they were they would have independent existence and exercise rights as central authorities. They are really only divisions of the County of London to carry on local government for those divisions, with the powers now exercised by vestries, some powers which they will have equally with the County Council, together with certain minor powers now exercised by the County Council, and which by this Act are transferred to them, and with possibilities of further powers to be obtained by agreement with the London County Council.

The City of London is excluded from the operation of the Act, although a new borough rivalling it in wealth and influence is created in Greater Westminster. The provisions for its local government are not to apply to the City of London, which is still to remain the only important unreformed corporation.

The term "borough" seems inconsistent with the functions to be exercised by the new bodies ; and when the Local Government Act, 1888, was passed, creating the county council, it was clearly stated, on the introduction of the Bill, that the intention of the Government was hereafter to create district councils. A provincial borough is usually a self-contained district, whereas a metropolitan borough is only a district carved out of the greater area of the county of London.

It will be noted that, although the areas of the new boroughs are all defined in the schedule to the Act, power is reserved to the Privy Council to adjust boundaries where it appears to be expedient for "simplification or convenience of administration." The areas of many of the new boroughs will not be coincident with any other area ; there will still be the overlapping of areas for the poor law union, the parliamentary divisions, and the school board.

**2.—(1)** The council of each borough shall consist of a mayor, aldermen, and councillors. Provided that no woman shall be eligible for any such office.

**(2)** An Order in Council under this Act shall fix the number of councillors, and fix the number and boundaries of the wards, and

shall assign the number of councillors to each ward, that number being divisible by three, and regard being had to the rateable value as well as to the population of the wards.

(3) The number of aldermen shall be one-sixth of the number of councillors, and the total number of aldermen and councillors for each borough shall not exceed seventy.

(4) Except as otherwise provided by or under this Act, the provisions of the Local Government Act, 1888, with respect to the chairman of the county council and the county aldermen respectively shall apply to the mayor and aldermen of a metropolitan borough respectively, and for this purpose references in that Act to the chairman of the county council and to county aldermen shall be construed as references to the mayor and aldermen of the borough.

(5) Except as otherwise provided by or under this Act, the law relating to the constitution, election, and proceedings of administrative vestries, and to the electors and members thereof, shall apply in the case of the borough councils under this Act and the electors and councillors thereof, and section forty-six of the Local Government Act, 1894, relating to disqualifications shall apply to the offices of mayor and alderman.

(6) The quorum of the borough council shall be one-third of the whole number of the council.

(7) The mayor and an alderman of a metropolitan borough shall be required to accept office within the same period as is allowed in the case of a councillor.

(8) The Local Government Board may, on request made by a borough council in pursuance of a resolution of the council passed by a majority of two-thirds of the members present and voting at a meeting of the council duly convened for the purpose, provided that such majority is not less than the majority of the whole Council, make an order directing that the whole of the councillors shall retire together on the ordinary day of election in every third year, and may on like request rescind any such order.

The Privy Council will settle the number of councillors, and upon that number will depend the number of aldermen, but as the limit to the total number is seventy, there will in no case be more than ten aldermen.

The aldermen will be elected by the councillors at their first meeting; a bare majority will be sufficient to secure their election. They will be elected for six years, but half their number will retire at the end of three years and the other half at the end of six years. It is decided by ballot among the councillors which aldermen shall retire at the end

of three years. They will all be eligible for re-election. Women will not be capable of being elected either as councillors or aldermen. Aldermen may be selected from the elected councillors or from without; if from the elected councillors, a casual vacancy will be created, which is filled at a bye-election. The mayor will be elected by the whole council, including the aldermen. Women are not eligible to be elected mayors.

The mayor must be selected either from the aldermen or councillors, or be a person qualified to be an alderman. For this purpose he, as well as the aldermen, must be entitled to vote as a burgess.

A burgess is a person who is registered as a burgess, who is of full age, is, on the 15th July in any year, and has for the whole of the twelve months preceding, been in occupation, either jointly or severally, of a house, warehouse, counting-house, shop, or other building in the borough. . . . Has during the whole twelve months up to July 15th resided either in the borough or within seven miles of its boundary, has been rated to all rates, and has paid all rates payable by him up to the 5th January preceding. By the Poor Rate Assessment Act, 1869, this has been defined as payment by some person, and personal rating by the Parliamentary and Municipal Registration Act, 1887, is done away with, the Act saying that as doubts have arisen on the subject the Act is to apply to all cases of franchise *depending upon rating*.

On the day of election for mayor the chairman cannot vote in the election of a mayor, except in the case of an equality of votes. Then he can give a casting vote.

If a person is elected a councillor in more than

one ward, he must, within three days after notice that he is elected, select in writing for which ward he will sit.

Any male person who is on the register of electors either for parliament or for county council or on the parochial register in the borough, or who has been resident for twelve months before the election in the borough for which they offer themselves for election, is entitled to be elected a councillor.

The disqualifications mentioned in the section are: Being under age, being an alien, the receipt of parochial relief, conviction of crime carrying with it imprisonment with hard labour and without option of a fine, being adjudged bankrupt, or making a composition with creditors. Likewise the holding of any paid office under the council or being concerned in any bargain or contract entered into with the council (see Local Government Act, 1894, sec. 46).

In settling the representation to be given to each ward the Privy Council is expressly directed to consider rateable value as well as population. It may therefore happen that a small area with a large rateable value will have a larger number of councillors allotted to it than an adjoining poor district with a large population and a small rateable value.

To be entitled to be on the register a person must have been either an occupier of premises of the annual value of £10, or an occupier of a dwelling-house without regard to value. For either of these qualifications he is placed on Division I. as a parliamentary and county elector. If the occupation of the dwelling-house is by reason of service only, he is entitled to be on Division II., which entitles him to a parliamentary and borough fran-

chise, but not for the county council. Lodgers having occupied lodgings in the same house for twelve months up to the 15th July are entitled also to the parliamentary and borough franchise, but not to the county council franchise. Where the premises are under the value of £10 the occupation entitles to the county council and borough franchise on Division III., but not to the parliamentary franchise except in the case of a dwelling-house. For business premises the occupier must either live within seven miles of the boundary of the parliamentary borough for parliamentary purposes, or within fifteen miles of the boundary of the county of London, if for county or municipal borough purposes, except in the City of London, where for parliamentary purposes the radius is extended to twenty-five miles. All the above qualifications are subject to twelve months' occupation prior to the 15th of July in any year, and in the case of occupiers, either of business premises or of dwelling-houses, is subject to the premises being rated and the rates being paid.

The power to decide whether after the first election the elections shall be triennial for the whole council or by only one-third retiring each year, is, first, in the hands of the council itself, which can pass a resolution by a two-third majority, providing the majority is one of the whole council, in favour of all retiring at the end of the third year; and secondly, in the hands of the Local Government Board on the request of the council, the board having a discretionary power to grant or refuse the council's application.

This power was granted to boards of guardians by the Local Government Act, 1894. All the boards in London availed themselves of the power and decided to have elections only once in three years.

**3.—(1)** The first elections of all borough councillors under this Act shall be held on the first day of November, 1900, or on such later day, as soon as practicable thereafter, as may be fixed by the Lord President of the Council, who shall also fix a corresponding date for the first elections of mayor and aldermen.

**(2)** The ordinary day of election of borough councillors shall be the first day of November, or if that day is Sunday, then the following day.

**(3)** The ordinary day of election of the mayor and aldermen shall be the ninth day of November, or if that day is Sunday, then the following day.

**(4)** The revised lists of voters in each borough shall in each year after the year 1900 be printed and signed before the twentieth day of October and come into operation as the register for the purpose of borough elections on the first day of November.

Following the precedent of the provincial boroughs, the ordinary day of election of councillors will be on November the 1st.

For the first election in 1900 the Lord President of the Council can fix a later date if he chooses.

The registers to be compiled for Local Government and parliamentary purposes in London have hitherto come into force on January 1st of the year following their revision; after 1900 they will have to be completed and ready for sale by the

20th of October, and come into force for the purposes of these municipal borough elections on November 1st.

Although the main portion of the register so published applies to elections to Parliament, to the county council, and to the boards of guardians, it will not come into force for these elections until the following 1st of January.

A bye-election therefore to the county council in November or December would have to be fought on the old register compiled the year before.

The register hitherto has been printed and sold by the Parliamentary Returning Officer, who received the revised lists from the Revising Barrister, who in turn received them for revision from the overseers. The Act, however, provides (sec. 10) that the duties hitherto performed by the overseers in the preparation of the lists shall be undertaken by the town clerk of the borough, while it is enacted by section 4 that the town clerk shall be the town clerk within the meaning of the Act relating to the registration of electors. In provincial boroughs the town clerk not only issues his precept to the overseers to prepare the lists, but after revision he arranges the revised lists, prints them in the register, and hands the register so printed to the returning officer. The town clerk also is required to sell copies of the printed register to applicants at a price fixed by the 6 Vic. chap. 18. The town clerks of the new London boroughs therefore in future will print and publish the register. These provisions placing both the preparation of the list and the publication of the register in the same official's hands will probably tend to lessening the cost and improving the accuracy of the registers.

The registers for the first election, however, when revised must be printed and published by the Parliamentary Returning Officer, as no town clerk will then have been appointed.

#### POWERS OF BOROUGH COUNCILS.

**4.—(1)** On the appointed day every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, as from the appointed day, be transferred to the Council for the borough comprising the area within which those powers are exercised, and their property and liabilities shall be transferred to that council, and that council shall be their successors, and the clerk of the council shall be called the town clerk, and shall be the town clerk within the meaning of the Acts relating to the registration of electors.

Provided that in the case of borrowing powers so transferred, if the London County Council refuse their sanction, or do not within six months after application made give their sanction, to a loan, or attach conditions to their sanction, an appeal shall lie to the Local Government Board, whose decision shall be final.

(2) Where any of the adoptive Acts is adopted within a borough, the borough council shall be the authority for administering the Act; and where any such Act has been adopted before the appointed day, and is administered by commissioners or a board, a scheme under this Act shall abolish the commissioners or board, and transfer their powers, duties, property, and liabilities to the borough council.

(3) The powers of a borough council shall, save as in this Act mentioned, extend to the whole of their borough.

Provided that any power or duty of the council under any Act, whether general or local, conferring powers in relation to some particular parish or district, or part of a parish or district, shall be exercised and performed by the council either throughout the borough or in a limited part thereof, or shall cease to be exercised and performed, as may be provided by a scheme under this Act, having regard to the object of the Act under which the power or duty arises, and to the nature of any change of area or alteration of boundary made by or under this Act.

(4) Any of the adoptive Acts may be adopted in a metropolitan borough in like manner as in a borough outside London, and not otherwise, and where any of the adoptive

Acts adopted before the appointed day does not extend to the whole borough, the Act may be adopted in the rest of the borough in like manner as if it were a separate borough and the borough council were the council thereof.

The appointed day referred to in this and other sections is the day to be fixed by the Order in Council for the first meeting of the borough councils. The members of administrative vestries or district boards will continue in office until that day although in the ordinary course an election would have taken place in May, 1900.

All powers at present exercised by the Vestries or District Boards will be transferred to the Municipal Borough Councils, as well as any duties now performed by Library or Bath Commissioners or Burial Boards. New powers are conferred by section 5. In districts now joined together for the first time for administrative purposes, one or more parishes may have availed themselves of the Public Libraries Act, for example. Thereafter the management of the free libraries in that parish will be placed in the hands of the new borough council ; but although this section enacts that the property and liabilities of any body of commissioners shall be transferred to the new council, only that parish which has adopted the Libraries Act will have to pay the rate for the maintenance of the library. The new council may take steps to apply the Public Libraries Act to the rest of the borough, but until that is done a separate rate will be levied on the ratepayers of that parish which has adopted that Act.

Where it is desired to extend to the rest of the

borough any of those Acts which have already before the passing of this Act been adopted in any part of the new borough, the council may take the same steps to adopt them in the other parts of the borough as if they were applying for the whole borough. Those steps are to take a poll of the ratepayers.

The London County Council has, since its establishment, been the authority for sanctioning loans to vestries in London, in succession to the Metropolitan Board of Works. It has acted throughout in a fair and generous spirit to the local authorities, and has extended the time for repayment beyond the time allowed by the Local Government Board to other public bodies outside London. It was at first proposed to transfer the power of sanction to the Local Government Board, but on the representations made to the Government this was withdrawn ; and, subject to the right of appeal to the Local Government Board where the county council refuses to sanction a loan or where they attach some condition which is unsatisfactory to the local body, the county council still is the authority whose sanction to a loan is necessary. The county council has been accustomed, after sanction given, to lend the money to the local body on most advantageous terms. Before sanctioning any loan the county council requires to be satisfied—

(1) That the expenditure can legally be made by the vestry and charged on the rates.

(2) That the financial state of the parish will justify the proposed increase in the indebtedness.

(3) That the amount is not in excess of the reasonable cost of the work either actual or estimated.

(4) That the work is such as to justify the cost being spread over a period of years.

(5) That the loan will be repaid during the life of the work, so as to preclude the possibility of future ratepayers being saddled with the cost of exhausted work.

(6) That the rate of interest does not exceed a reasonable rate.

(7) That where any arrangement has been made with the Treasury (as in Electric Lighting loans) to spread the entire initial cost over a period of years, on the understanding that the work, the object of the loan, shall be renewed or replaced otherwise than by loan during the currency of the mean period, the council should be furnished with such plans and information as would enable the council at a future date to see that the arrangement is adhered to.

These reasonable requirements have met with practically unanimous approval by the local bodies. It is not likely therefore that there will be occasion for any appeals to the Local Government Board.

Where there are any special Acts dealing with any parish the matters can be dealt with in a scheme to be afterwards formed.

The adoptive Acts mentioned are the Baths and Washhouses Acts, 1846 to 1896; the Burial Acts, 1852 to 1885, and the Public Libraries Acts, 1892 and 1893.

**5.—(1)** As from the appointed day the powers and duties of the London County Council under the enactments mentioned in

Part One of the Second Schedule to this Act shall, subject to the conditions mentioned in that schedule, be transferred to each borough council as respects their borough.

(2) As from the appointed day the powers of the London County Council under the enactments mentioned in Part Two of the Second Schedule to this Act may, subject to the conditions mentioned in that schedule, be exercised also by each borough council as respects their borough.

(3) The Local Government Board may, if they think fit, on the application of the London County Council and of the majority of the borough councils, make a Provisional Order for transferring to all the borough councils any power exerciseable by the county council, or for transferring to the county council any power exerciseable by the borough councils.

(4) The Local Government Board may also, on the joint application of the London County Council and the Common Council of the City of London, make a Provisional Order transferring any power from the county council to the common council, or from the common council to the county council.

The matters transferred by this Act from the

London County Council are not of very serious importance. They relate—

- (1) To the removal of unauthorised sky signs.
- (2) The power to license wooden structures.
- (3) The power to remove obstructions in streets.
- (4) The registration of dairymen.

The first and fourth of these matters are, however, subject to the power of the county council to act in default of the borough council.

- (5) Power to demolish buildings where a conviction has been obtained by the borough council for an offence against the Building Act.

- (6) To take proceedings in respect of stacking of timber and other articles where the provisions of the Building Act have been contravened.

- (7) To take proceedings with regard to Water Companies, but only in respect of a Company supplying any part of the borough.

- (8) Power to appear before the Railway Commissioners in respect of Railway Station accommodation.

- (9) Where land is required for the purposes of the borough council that the borough council may acquire, purchase, take on lease, or exchange lands ; where the land is afterwards sold by the council it must be applied to the repayment of a loan of the council, or as the Local Government Board may give their consent to.

- (10) To adopt part three of the Housing of the Working Classes Act within the borough.

(11) To make bye-laws, providing they are not inconsistent with those of the county council.

The new powers 5 to 11 inclusive are to be exercised side by side with the county council. It is to be hoped that No. 10 will be freely used by the new bodies. No more serious problem exists in London than that of Housing.

Re-housing in case of clearance of insanitary areas is amply provided for, but how to house the working classes is an urgent question. The new municipal authorities now have an opportunity of doing a most necessary work.

The more serious portion of the section is that dealing with any further transference. Where a majority of the borough councils agree with the London County Council to a transference of any power either exercised by the county council or exercised by the borough council, the Local Government Board may in its discretion allow the transference. No power, however, appears to be in the Act to take back the power when once it is transferred. This can only be done under further legislation.

In questions of doubt, however, in regard to the transfer of any power or properties the county council will have the right to appeal to the High Court.

**6.**—(1) As from the appointed day the power and duty of maintaining any main road existing at the passing of this Act within a borough shall be transferred to the borough council, and the road shall vest in the borough council and shall cease to be a main road.

(2) Where a highway in a borough is repairable by the London County Council by reason of its being the roadway or footway of a bridge, embankment, or otherwise, the borough council shall, if so required by the county council, undertake the maintenance and repair thereof in consideration of such annual payment by the county council as may from time to time be agreed on, or in default of agreement be finally determined by the Local Government Board, and for the purpose of the undertaking the borough council shall have the same powers and be subject to the same duties and liabilities as if the highway were vested in them.

(3) The power of a borough council to close or stop up a street under section eighty-four of the Metropolis Management Amendment Act, 1862, shall not require the sanction or allowance of the London County Council. Provided that before closing or stopping any such street the borough council shall give notice to the councils of any contiguous boroughs.

(4) It shall be the duty of each borough council to enforce within their borough the bye-laws and regulations for the time being in force with respect to dairies and milk, and with respect to slaughter-houses, knackers'

yards, and offensive businesses, and for the purpose of performing this duty the borough council shall in all cases have the same powers of entry as they have in the case of slaughter-houses and knackers' yards, and if the council make default in performing this duty, the provisions of the Public Health (London) Act, 1891, shall apply as if the default were a default under that Act.

(5) A borough council may, with the consent of the Local Government Board, alienate any land for the time being vested in the council, and the proceeds of the sale of any land sold by the council shall be applied in such manner as the Local Government Board sanction towards the discharge of any loan of the council or otherwise for any purpose for which capital may be applied by the council.

(6) A borough council shall have the same powers of promoting and opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their borough, as are conferred on borough councils outside London by the Borough Funds Act, 1872, and the provisions of that Act shall extend to the council of a metropolitan borough as if that council were included in the expression "governing body"

and the borough were a district in that Act mentioned.

(1) The main roads here mentioned, and for which the borough councils will be responsible, are certain portions of disturnpiked roads for which the county council became liable to make a contribution by the Local Government Act, 1888. They are in all a little over eleven miles in extent. At the present time the contribution of the council amounts to about £7,000 per annum.

They are as follows :—

					m.	f.	yds.
Hackney, part of Lee Bridge							
Road	...	...	...	...	0	4	27
Hampstead. Edgware Road							
and Finchley Road				...	2	5	86
Islington. Archway Road	...	0	3				20
Kensington. Harrow Road	...	0	2				68
Limehouse. Commercial Road,							
East, East India Dock Road,							
West India Dock Road, and							
Horseferry branch road	...	1	1				85
Mile End. Commercial Road,							
East	...	...	...	...	0	4	92
Poplar. East India Dock							
Road, West India Dock							
Road, East and West Ferry							
Roads	...	...	...	...	3	5	208
St. George's, East. Com-							
mercial Road, East	...	0	3				86
Stoke Newington. Green							
Lanes, and Seven Sisters							
Road	...	...	...	...	1	4	7

The local authorities were responsible for the maintenance of the roads, and the county council

repaid part of the cost. In the case of Islington, the county council paid the entire cost. Before paying any amount, however, the council required to be satisfied that the repairs had been properly executed.

It will be observed that at least half of the roads towards which the council have hitherto contributed were situate in the poor districts of the East End. But the Act provides (sec. 7) that the county council, in all cases where any power or duty is transferred from them to a borough council, shall pay either such amount as a contribution as they may agree with the borough council within six months, or, if no agreement is come to, then such sum as the Local Government Board shall determine. Absolute power is therefore placed in the Local Government Board's hands, without appeal.

The Act lays down no basis of contribution, and the contribution by the county council does not carry with it any control over the borough council.

(2) The highways referred to in sub-sec. 2 of sec. 6 as being the roadway or footway of a bridge, embankment, or otherwise, which the county council can call upon the borough council to maintain, and for which the county council is then to pay, are the following :—

Victoria Embankment, roadway and footway.

Albert Embankment, footway.

Chelsea Embankment, footway.

The roadways over the County Bridges :—

Lewisham, Plough, Lee, Blackhorse, Mill, Beckenham Lane and Pool, Deptford, Eltham, Lee Green, and Lee.

The section only refers to maintenance and repairs. It is doubtful whether lighting, watering, and cleansing are covered by these words.

The total cost to the county council at the present time for the roads and bridges above mentioned is about £11,258 per annum, including £2,560 for cleansing, watering, and lighting Victoria Embankment.

(3) The Metropolitan Board of Works, and since their establishment, the London County Council, have power during the construction of any works by them, to cause to be stopped all or any part of a carriage or footway of any streets, roads, or ways as shall be necessary for the execution of such works.

(4) The duty of enforcing the bye-laws with reference to dairies and milk and slaughterhouses and offensive businesses, is cast upon the new borough councils, and if they fail in their duty in this matter the county council will have power to step in.

Sec. 100 of the Public Health Act, 1891, enacts that the county council, on it being proved to their satisfaction that any sanitary authority have made default in doing their duty under this Act, may institute any proceeding or do any act the sanitary authority might have done, and shall be entitled to recover from the defaulting authority all the expenses they incur in the matter.

Although the county council will still be the licensing authority, they will not have information with reference to the results of inspection of the places mentioned, and if any council neglects its duty, the county council will have nothing to guide it when the annual licensing day comes round.

(5) Although under this clause it is possible for

a borough council to dispose of land for the time vested in them, it is guarded by sec. 28, which enacts that no borough council shall alienate any recreation ground or open space dedicated to the use of the public, or any lands held on trusts which prohibit building thereon.

(6) This is one of the most serious enactments in this Act. The power to promote legislation has hitherto been in the hands of the London County Council alone, and the council has exercised that power in the interest of London as a whole.

Now if a wide interpretation is put upon this section by the Local Government Board, there will be nothing to prevent a borough council promoting legislation as inhabitants of London, and not merely for purposes confined to the borough itself. This will open the door to unlimited litigation and the wasting of the rate-payers' money. It will give them power to oppose Bills in Parliament promoted for the benefit of London as a whole by the London County Council.

The borough councils, as successors to the vestries, have a right to oppose legislation when it is on behalf of the inhabitants of the borough. The Court of Chancery has decided that a corporation has a right to defend itself from an attack, not only on its property, but upon its rights and privileges.

The section refers to the Borough Funds Act, 1872, and extends to the new borough councils the rights there conferred upon ordinary corporations.

The provisions of that Act are that before a borough council can spend any money out of the rates for the promotion or opposition of Bills in Parliament, they have first to obtain a resolution

of the council by an absolute majority of the whole number of the body, at a meeting of which ten days' notice by public advertisement, stating the purpose of the meeting, has been given.

The resolution must then be published twice in a newspaper published or circulating in the district.

The Local Government Board must give its approval (in some matters a Secretary of State).

If the matter is the promotion of a Bill, then no more must be spent or incurred after the Bill has been deposited, until another special meeting has been held and the matter confirmed ; ten days' notice must be given of the meeting, and the meeting must be held not less than fourteen days after the Bill has been deposited.

In addition to this, the ratepayers must give their consent by resolution at a meeting specially called.

7.—(1) Where any power or duty is transferred from the London County Council to a borough council or from a borough council to the London County Council by or under this Act, the borough council or county council, as the case may be, shall defray as part of their ordinary expenses the expenses of and incidental to the power or duty, but the county council shall contribute to the borough council, or the borough council to the county council, in respect of those expenses, such amount, if any (whether capital or annual), and subject to such conditions, if any, as may—

- (a) if the transfer is made by this Act, be agreed on between the councils within six months after the transfer, or in default of agreement be finally determined by the Local Government Board ; and
- (b) if the transfer is made by a Provisional Order, be fixed by the Order.

Provided that every borough council shall have an opportunity of making a representation to the Local Government Board as to the amount of any contribution under this section to another council, and if the amount is settled by agreement may, within three months from the date at which the agreement is notified to them, appeal against it to the Local Government Board, who may finally determine the amount.

(2) Where the transfer is made by Provisional Order the amount of contribution from or to the county council may be varied in each case to meet the circumstances of the case.

(3) This section shall apply as if the Common Council of the City of London were the council of a metropolitan borough.

As has been already noted under sec. 6, no basis is laid down for settling the contribution of the London County Council ; and unless the borough council and the county council come to

some agreement within six months after the transfer of power has taken place the Local Government Board has absolute power, without appeal, to fix the amount the county council shall contribute to the local authority toward the carrying out of the duty transferred.

If any power is transferred from a borough council to the county council the same remarks apply.

There does not appear to be any power to alter the amount to be contributed either by the borough council or by the county council when once fixed. It is therefore possible that injustice may occur, in that the amount contributed from the borough council, if any of its powers are transferred, may be less than the amount which it costs the county council, and thereby a charge may unjustly fall on the county fund. On the other hand, where powers are transferred from the county council, the natural tendency will be, as time goes on, to increase the burden on the local rates. The county council will have no control of the local expenditure.

**8.—(1)** Any committee appointed by a borough council for the purpose of the Public Libraries Acts, 1892 and 1893, may consist partly of persons not members of the council.

(2) Every committee shall report their proceedings to the council, but, to the extent to which the council so direct, the acts and proceedings of the committee shall not require the approval of the council. Provided that a committee shall not raise money by loan or by rate,

or spend any money beyond the sum allowed by the council.

(3) Every borough council shall from time to time appoint a finance committee for regulating and controlling the finance of the council ; and no order for payment of any sum, whether on account of capital or income, shall be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of the finance committee ; and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee. The notice of the meeting at which any resolution for the payment of any sum by the borough council (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred. Provided that the foregoing provisions shall not apply to payments made in pursuance of a precept from another authority.

(4) Section fifty-seven of the Local Government Act, 1894, which relates to joint committees, shall, with the substitution of the words Local Government Board for County

Council therein, apply to borough councils as if they were district councils.

When this clause was first introduced it did not limit the right to appoint non-elected persons on committees, but it has now been limited to committees under the Libraries Act. Under those Acts there has always been power in appointing Library Commissions to have a free selection of persons, not limiting it to members of the vestry or district board.

The provision for delegation to committees with such large powers is an innovation of dubious character. Under this clause matters may be dealt with in secrecy and without that publicity which is the safeguard of public bodies. So long as their proceedings are reported to the council and their expenditure kept within the amount allotted by the council the committees will have a free hand.

Although the county council has power to delegate its authority to committees there is always a check in the form of a finance committee, without whose knowledge expenditure cannot be incurred, while the council itself has by its bye-laws still further limited the powers of its committees in incurring liabilities.

Section 57 of the Local Government Act, 1894, which is applied by this section, provides that a parish or district council may concur with any other similar council in appointing a joint committee for any purpose in which they are jointly interested, and may confer on the joint committee any powers, with or without conditions, the councils might exercise in their own district.

They cannot, however, delegate powers to borrow money or make a rate. The joint com-

mittee can only hold office until fourteen days after the next annual meeting of any of the councils appointing it.

**9.—(1)** All payments to and by the borough council shall be made to and by the borough treasurer, and all payments by the council shall, unless made in pursuance of the specific requirement of an Act of Parliament, or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council, and countersigned by the town clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys issued in pursuance of any such order shall be countersigned by the town clerk, or by a deputy approved by the council.

(2) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs according to the judgment and discretion of the court.

There is no provision in the Act for the appointment of a borough treasurer. The Municipal Corporation Act, 1882, provides that the council shall from time to time appoint a fit person, not a

member of the council, to be treasurer of the borough. By inference the same course will be pursued in the case of the new London boroughs.

#### RATES, OVERSEERS, AND AUDIT.

**10.**—(1) A scheme under this Act shall provide for all the expenses of a borough council being paid out of the general rate, and for the discontinuance of a separate sewers rate and separate lighting rate, but shall make provision for protecting the interests of owners and occupiers of any hereditament which is exempt from any rate or liable to be assessed thereto at a less amount than other hereditaments.

(2) After the appointed day the general rate and the poor rate shall be assessed, made, and levied together by the borough council as one rate, which shall be termed the general rate, and shall be assessed, made, collected, and levied, as if it were the poor rate, and all enactments applying or referring to the poor rate shall, subject to the provisions of this Act as to audit, be construed as applying or referring also to the general rate.

(3) Where a borough comprises more than one parish, the amount to be raised to meet the expenses of the borough council, or other sums payable as part of those expenses, shall, subject to any provision required for the ad-

justment of local burdens, be divided between the parishes in proportion to their rateable value.

(4) Where any of the adoptive Acts, or any local or other Act, does not extend to the whole borough, any rate required to meet the expenses incurred under the Act shall, subject to the provisions of any scheme under this Act, be levied together with, and as an additional item of, the general rate over the area to which the Act extends.

Under the Act the parish practically ceases to exist except to preserve inequality of rating. By this section, where the parish is the limit of the borough, there will be one common rate and they will be in the same position as before the passing of the Act, but where several parishes make up one municipal area there will be an inequality. The total rateable value is taken ; no account is taken of empties or losses by non-collection, and therefore a poor parish will suffer. For example, if the common rate is 5s. 6d. for the borough, in a poor parish to raise the sum total required, owing to empties and losses the rate upon the existing ratepayers may be 5s. 9d.

Where the adoptive Acts are in force in one parish, which is for this purpose joined with another in the new area, the cost of carrying out the adoptive Act will be charged as an additional rate to the parish which has adopted it.

**11.—(1)** After the appointed day the council

of each borough shall be the overseers of every parish within their borough, and shall appoint such officers as may be required to assist in the transaction of the business, and shall defray the expenses of and incidental to the performance of the duties, of overseers. Provided that the town clerk of each borough shall have the powers and duties and be subject to the liabilities of overseers with respect to the preparation of lists of voters and of jury lists in the borough, and any document required to be signed by overseers may be signed by the town clerk.

(2) After the appointed day every precept issued by any authority in London for the purpose of obtaining money which is ultimately to be raised out of a rate within a borough, other than a precept sent to guardians by the Local Government Board or by a body containing representatives elected by the guardians, shall be sent to the council at their office, addressed to the council or to the town clerk. Any such precept, if so sent and addressed, shall be deemed to be personally served on the council, and shall be executed by them. "Precept" in this section includes any order, certificate, warrant, or other document of a like character, and the Local Government Board may settle the form of any precept as so defined.

(3) After the appointed day all the rates collected in a metropolitan borough from any person by the council shall, as far as is practicable, be levied on one demand note, and the demand note shall be in a form approved by the Local Government Board, and shall state in manner provided in that form—

- (a) the rateable value of the premises in respect of which the rate is levied ; and
- (b) the rate in the pound ; and
- (c) the period for which the rate is made ; and
- (d) the several purposes for which the rate is levied ; and
- (e) the approximate amount in the pound required for each purpose (including, as far as is practicable, the proportionate amount of the estimated costs of and loss in collection) ; and
- (f) any matter required by section two of the London (Equalisation of Rates) Act, 1894, or any other enactment, to be stated in the demand note.

The transfer of the duties of overseers to the new municipal borough will certainly be to the advantage of the borough. Several of the vestries of the larger parishes have for years past exercised

these functions, and now that the smaller parishes are amalgamated it will be in the interest of economy that the council shall carry out the work of collection, &c., hitherto performed by the overseers.

The section provides for the abolition of the powers of boards of governors and directors and other bodies exercising the duties of overseers, so far as the making and collection of the poor rate is concerned. As provided by sec. 10, the general rate and the poor rate are to be levied as one rate.

Rates to be collected by precept will be collected from each parish according to valuation, and then distributed by the borough council to each central authority.

The simplification of the rates is very important. Practically all the rates will appear on one demand note, and that note will give full particulars of what the various items are that the charge is made for.

But there must still be for a time inequality of rating, inasmuch as those parishes which have already in force the Libraries Acts, the Baths and Washhouses Acts, or the Burial Acts will still be liable to the payment for the carrying out of those Acts, in addition to the general rate common to the whole borough (see sec. 10).

The losses by non-collection or empties will be borne by each separate parish, where several parishes are joined to make one municipal area.

The appointment of the Town Clerk as the statutory officer for the compilation of the jury lists and of the lists of voters, is a reform which has been sought by both political parties for years past.

The overseers, who, under the Registration Acts, have had the duty of preparing the voters' lists in London, have in most cases done little more than

sign their names at the foot of the lists. They have usually delegated their duties to their clerk, who of course has transferred the work to clerks in his office and the rate collectors. The result, with a few notable exceptions, has been that the lists of occupiers have been most imperfect, and when the time for claiming by persons omitted from the lists, and for objecting to the names of persons improperly placed on the lists, has come round, enormous numbers of names have been challenged or claimed for.

The difficulty hitherto has been to make any person responsible; and although the Registration Acts have provided for penalties against overseers for neglect of duty, the fact that they were only nominally responsible and the impossibility of proving to a magistrate that they wilfully and negligently omitted some voter's name has prevented penalties ever being inflicted. Now, however, there is a responsible officer, who for his own official character will be anxious to have his lists as perfect as possible, and who, with the wholesome fear of the Revising Barrister's visit in September or October, will do his best to give as little cause as possible for complaint. That there was serious reason for complaint before is shown from the fact that last year there were no less than 19,867 occupiers' claims made in London, of which number 13,763 succeeded in proving that they had been wrongfully omitted, while 15,680 objections to the names of persons on the overseers' lists were upheld by the Revising Barrister and their names expunged: a total of 29,443 names about which some error was proved in the lists.

There will still be work for the Revising Barristers to do, for, of course, with every care the Town Clerk may exercise, there must be a few

persons whose names he may not be able to ascertain, but the work will be much simplified and will necessarily be nearer perfection.

The section provides that the new council shall defray the expenses of and incidental to the performance of overseers' duties. This includes the expenses attaching to the registration of electors. By the Registration of Electors Act, 1891, it is provided that the county council shall pay half the cost. Whether this section absolves the county council from this charge is doubtful.

The provision that all the general rates shall be on one demand note, and that they shall specify the several purposes for which the rate is made, is certainly necessary, and makes for simplification, but it is to be hoped that the Local Government Board in framing it will cause it to be so arranged that the amount collected for the council should be dissected so as to show clearly what is collected for county council purposes, as against the amount collected by them for payment out again for local authorities, the county council for these purposes being merely the collector.

The Act provides that all rates to be collected for purposes outside the scope of the municipal council will be collected by the municipal council at the same time as the council general rate, and will be distributed to the authorities issuing their precept or order.

**12.**—As between landlord and tenant every tenant who, if this Act had not been passed, would have been entitled to deduct against or to be repaid by his landlord any sum paid by the tenant on account of the sewers rate,

shall in like manner be entitled to deduct against or to be repaid by his landlord such portion of the general rate as represents the sewers rate.

The provision that the tenant is still entitled to deduct from his rent, or obtain repayment of the amount of sewers rate from his landlord, does not apparently apply to any other tenants than those who at the passing of the Act are entitled to the deduction.

There does not seem to be any provision for future tenants, and it does no more than safeguard present tenants.

**13.**—Where the whole of a poor law union is within one borough, the assessment committee shall, notwithstanding anything in section five of the Valuation (Metropolis) Act, 1869, be appointed by the borough council instead of by the Board of Guardians, and, where the borough comprises the whole of two or more unions, the council shall appoint only one assessment committee for those unions, and where the council appoint the assessment committee the town clerk shall act as the clerk to that committee.

The provisions of the Valuation (Metropolis) Act, 1869, with reference to assessment committees were, that where in any parish not included in any union, but where there is a vestry, but no assessment committee appointed under the prin-

cipal Act, the assessment committee shall be appointed by the guardians. Where any two such parishes are joined under a local Act, for the purpose of assessing or making the poor rate, the guardians of the united parishes should appoint the assessment committee. In any other case the vestry of the parish should appoint the assessment committee.

The body appointing the assessment committee were each year to hold a meeting, within specified dates, and appoint from themselves an assessment committee, of not less than six nor more than twelve.

This section enacts that in future the borough council shall appoint the assessment committee and that there shall only be one committee for the whole borough, although it comprises two or more unions.

Where one poor law union forms the area of the new municipal borough, the council will appoint the assessment committee.

Where the municipal area forms part only of a union the guardians will still appoint the assessment committee. Battersea is an example of this; it forms part of the Wandsworth union, and the guardians will therefore still appoint the assessment committee.

**14.** After the appointed day the accounts of the council of every metropolitan borough, and of any committee appointed by the council, and of their officers, including the accounts relating to the making, levy, and collection of any rate made by the council, shall be made up and audited in like manner and subject to

the same provisions as the accounts of the London County Council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

The audit of the accounts of the council and its committees on the same lines as those of the county council is a distinct advance. In most vestries the auditing was of a very perfunctory character, and there was no guarantee that the accounts were correct and reliable. But the auditing of the county council accounts are, by the Local Government Act, 1888, to be carried out by Local Government Board auditors. The accounts have to be made up annually in a form prescribed by the Local Government Board. The auditor gives notice of his appointment to hold an audit; the council will deposit their balanced accounts and vouchers in their office, and give fourteen days' notice of the time and place of audit.

Any ratepayer or owner of property may be present and make objections to the accounts. He may also appeal against the allowance of any item to the Local Government Board. In case of disallowance of some item there is power to appeal to the Queen's Bench Division.

Within fourteen days of the audit being completed, the auditor must make his report on the accounts. The report must be sent to the town clerk, and he must afterwards publish an abstract of the accounts.'

## ORDERS AND SCHEMES.

**15.**—(1) It shall be lawful for her Majesty in Council to refer to a Committee of the Privy Council the appointment of Commissioners to prepare such Orders and schemes as are required for carrying this Act into effect, and the Committee may settle the Orders and schemes so prepared, and may employ such persons as they may deem necessary for the purposes of this Act.

(2) Before any Order in Council forming an area into a borough is made under this Act, the draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the session of Parliament, and if either of those Houses before the expiration of those thirty days presents an address to her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

(3) The Commissioners shall for the execution of their duties under this Act have the like powers as inspectors of the Local Government Board.

(4) Any expenses incurred by the Committee under this Act shall, to the amount certified by

the Treasury, be paid by the London County Council out of the county fund.

To carry into effect the provisions of the Act, the Committee of the Privy Council is to appoint commissioners to inquire into the matter and draft schemes. The draft scheme or Order has to lie before the Houses of Parliament for thirty days, and if they oppose the scheme they can adopt a petition to the Queen against the proposed scheme, and that puts an end to that proposal. The Committee of the Privy Council can then bring forward another scheme.

It is to be noted that with one exception (that of altering the area of the County of London. Section 17), the county council has no voice in the settlement of any scheme. Nevertheless, the expense of holding the inquiry by the commissioners, and any other expense attending it, is to be borne by the London County Council out of the county rate, and there is no power in the county council to check the expenditure or tax the cost.

**16.**—(1) A scheme under this Act may make provision—

(a) for any matters which under this Act are to be regulated by scheme ; and

(b) for any of the purposes, except police, for which a scheme may be made under Part Eleven of the Municipal Corporations Act, 1882, so far as those purposes are consistent with this Act ; and

- (c) for anything which may be done with respect to a parish by an order under section fifty-seven of the Local Government Act, 1888, or may be done under section thirty-three of the Local Government Act, 1894, so, however, that parishes in different unions shall not be united except with the approval of the Local Government Board ; and
- (d) for such adjustments as may be required for carrying into effect any of the provisions of this Act or for preventing any injustice with respect to the incidence of any rate or the discharge of any liability or otherwise, and in particular for such adjustments as may be required for the efficient maintenance of any libraries, baths, or washhouses, which have been maintained under the provisions of any of the adoptive Acts ; and
- (e) for preserving, so far as may appear necessary or expedient, any right, power, exemption, or immunity heretofore exercised or enjoyed in respect of property belonging to or occupied by the Crown or any Government department ; and

(f) for making such alterations in the boundaries of the electoral divisions for the purpose of school board elections as may be rendered necessary by any alteration in the area of the county of London ; and

(g) for repealing or modifying any local Act other than the London Building Act, 1894 ; and

(h) for carrying into effect this Act or any Order in Council made thereunder ; and may contain any incidental, consequential, or supplemental provisions, which may appear to be necessary or proper for the purposes of the scheme.

(2) In making adjustments by a scheme under this section, regard shall be had to any composition, contribution, or exemption, whether statutory or otherwise, which has heretofore existed in regard to any portion of any area dealt with under the scheme.

(3) The provisions of the Municipal Corporations Act, 1882, as amended by the School Boards Act, 1885, with respect to a scheme under Part Eleven of the first-mentioned Act, shall apply in the case of any scheme under this Act with the necessary modifications, and any governors or trustees of the poor or other similar body under a local Act shall be deemed,

but the London County Council shall not be deemed, to be a local authority within the meaning of those provisions. There shall also be deemed to be local authorities within the meaning of the said provisions :—

- (a) the mayor, commonalty, and citizens, and the Court of Aldermen of the City of London, so far as relates to any powers exerciseable by them or by officers appointed by them respectively within the ancient borough of Southwark ; and
- (b) the Dean and Chapter of the Collegiate Church of St. Peter, Westminster, so far as relates to any powers of local government exerciseable by them or their officers within the borough of Westminster, and the Court of Burgesses of the ancient city of Westminster.

(4) Provided that notification in the *London Gazette*, and in such other manner as the Committee of Council may direct, of a draft scheme having been prepared or of a scheme having been settled, and of the place where copies of it can be inspected and obtained, shall be substituted for publication of the draft scheme or scheme in the *London Gazette* or in the manner required by the Seventh

## Schedule to the Municipal Corporations Act, 1882.

Under the Local Government Act, 1894, the Local Government Board has the power of conferring upon a municipal borough the appointment of overseers, and conferring any of the powers, duties, or liabilities of either the overseers or of a parish council upon any municipal borough, county borough, or urban district council.

All matters which are to be regulated by scheme are to be settled by the Committee of the Privy Council and approved by the Houses of Parliament. (See note to sec. 14.)

The purposes for which schemes may be drafted by the Privy Council, under Part II of the Municipal Corporations Act, 1882, are for the adjustment of the powers, rights, privileges, franchises, duties, property, and liabilities of any existing local authority. The scheme may contain provisions for the alterations of the district, and for the continuance, modification, transfer, vesting, and extension to the whole borough of the rights, privileges, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the committee of the council necessary for fully carrying into effect any such adjustment and provision.

The schemes so made must be published in the *London Gazette*, and are not to take effect until confirmed by Parliament or by the Queen in Council.

Before being settled the scheme is to be submitted to the Home Secretary and the Local Government Board.

Also those under sec. 57, Local Government Act, 1888, are the alteration or definition of

boundary, the division of a district into wards, the alteration of wards, or the number of members of a council for a ward.

Section 33 of the Local Government Act, 1894, provides that the Local Government Board may, on the application of any municipal borough, county borough, or any other urban district, make an order conferring upon them the power of appointment of overseers, but this is already provided for by sec. 10. Further, that where the Local Government Board conclude that a parish in the borough will not be properly represented on the board of trustees administering any charity, they may order that some of the trustees shall be appointed on the nomination of the councillors elected for the parish or part of the parish affected.

Any Order so made may provide for its operation extending either to the whole or any specified part of the area of the borough.

The Order of the Local Government Board may be made on the application of any representative body within the borough.

The Local Government Board must consult the Charity Commissioners before making their Order.

As to adjustment of rates, to prevent injustice as mentioned in this section see sec. 10, sub-sec. 4, and note thereon.

The provisions of the Municipal Corporations Act, 1882, as to schemes gave power to the Committee of the Privy Council, on petition of the council of the borough, or of any existing local authority, to settle a scheme. The scheme is to be published in the *London Gazette*, and if within a month of its publication a petition is lodged against the scheme it needs to be confirmed by Parliament.

When a scheme has been confirmed, there is power to amend the scheme on petition, which is then dealt with in the same way as a petition for a charter.

The Privy Council have power, if they think fit, to either submit the scheme for confirmation to Parliament or to the Queen in Council.

An amending scheme when confirmed has full operation as if it were part of the Act itself.

The School Board Act, 1885, amended these provisions by enacting that :—

When within seven years before the passing of the Act a charter has extended the Municipal Corporations Act, 1882, to the municipal borough created by charter, any scheme relating to a school board which might have been made under those Acts if the Act had been passed at the date of the charter, Part Eleven of the Municipal Corporations Act, 1882, shall apply, provided—

- (a) “ Such scheme may be made on the petition either of the council of the said borough or of the persons composing the school board or any of them ; and,
- (b) The council of the borough may petition against such scheme.
- (c) Any such scheme may validate any acts done by the Education Department, or the school board, or the council of the borough, or any justice since the date of the charter.

The City Corporation, which exercises still some authority in the borough of Southwark, is to be deemed a local authority for the purposes of this section, also any body of governors or trustees of the poor, but the London County Council is excluded.

By this section the county council are unable to interfere in the settlement of any scheme by

the Commissioners to be appointed by the Committee of the Privy Council, with the exception of any proposed alterations of areas (sec. 18, sub-sec. 6).

There is no power to transfer powers from the county council under this Act except by sec. 5.

**17.**—(1) Every part of the administrative county of London outside the City shall be situate in some borough and some parish, and a parish shall not be situate in more than one borough, or partly in a borough and partly in the City.

(2) An Order in Council under this Act may divide a parish or place into parts for the purpose of giving effect to this section or of constituting a satisfactory area for a borough, and, unless otherwise provided by the Order or by a scheme under this Act, each part shall be a separate parish.

The Privy Council has a free hand in the making of a satisfactory area under the Act, subject however to hearing the county council if they desire to be heard against any proposal under sec. 18, sub.-sec. 6.

**18.**—(1) Every part of a parish in London which is wholly detached from the principal part of the parish shall by an Order in Council under this Act be annexed to or divided between any of the boroughs which it adjoins,

and be either constituted a separate parish or be annexed to or divided between any of the parishes which it adjoins, so however that the provisions of this Act with respect to a parish not being situate in more than one borough shall be observed.

Provided that if the Commissioners under this Act make a special report to Parliament that by reason of anything done under any of the adoptive Acts, or for any other exceptional reason, it is impracticable to deal with a detached part of a parish in manner required by the foregoing provisions of this section, those provisions shall not apply.

And further provided that the foregoing provisions of this section shall not apply to the hamlet of Knightsbridge.

(2) Where the county of London surrounds a detached part of a parish in another county, the foregoing provisions shall apply, and the detached part shall for all purposes become part of the county of London and of the appropriate county electoral division.

(3) Where a detached part so becomes part of the county of London, and is part of any urban district the remainder of which adjoins the county of London, the whole of the district may, by Order in Council, if it seems expedient after considering all the circumstances of the

case, be added to and form for all purposes part of the county of London and of the appropriate borough.

(4) Where a detached part of a parish in the county of London is wholly surrounded by any other county, the detached part shall for all purposes become part of that county, and where a detached part as aforesaid is surrounded by more than one county, that detached part shall become part of such county as shall be determined by Order in Council under this Act, and every such detached part shall, by Order in Council, be either constituted a separate parish or annexed to or divided between any parish or parishes which it adjoins, and be added to the appropriate county district and county electoral division.

(5) Nothing in this section shall apply to the City of London.

(6) The London County Council and the council of any adjoining county shall be entitled to be heard on any alteration or proposed alteration of the area of the county of London.

The detached portions of parishes here mentioned are as follows :—

Sub-section 1 will have the effect of absorbing detached Chelsea, Clapham, Streatham, Kidbrooke, and St. Clement Danes.

Sub-section 2, Hornsey and Mitcham.

Sub-section 3 can only apply to South Hornsey and a small piece of Mitcham in Surrey surrounded by London. This may have the effect of adding South Hornsey and Mitcham to the county of London.

Sub-section 4 will only apply to Muswell Hill, now part of Clerkenwell, and a small part of Putney surrounded by Surrey.

Muswell Hill will therefore be absorbed by the county of Middlesex and detached Putney by Surrey.

The City of London is again safeguarded and no alteration shall apply to it.

The London County Council and the adjoining county council to any detached portion is to be permitted to be heard before the final settlement. This is apparently the only occasion when the London County Council can be heard on any scheme.

**19.**—(1) A scheme under this Act shall provide for placing Woolwich under the general law applying to metropolitan boroughs, and for the repeal of the application thereto of the provisions of the Public Health Acts and other enactments not applying to London, and for the application thereto of the Metropolis Management Acts, 1855 to 1893, and other enactments applying to London.

(2) Subject to the provisions of any such scheme, this Act shall apply to Woolwich in like manner as if the local board of health thereof were an administrative vestry.

(3) Nothing in this Act shall prevent the council of any borough consisting of or comprising Woolwich from continuing to make any contribution for the purpose of technical education hitherto made by any local authority, or from exercising any existing powers of carrying on a market.

Woolwich has since 1855 held an exceptional position ; although within the metropolis, it was governed not by an administrative vestry nor by a district board of works but by a local board of health. By this Act Woolwich is to be dealt with as if it had been an administrative vestry, and all the provisions of the Act apply to it, Woolwich being made a separate municipality, including Eltham, Plumstead, and Woolwich. Certain market and other rights exercised by Woolwich are preserved.

**20.**—(1) An Order in Council under this Act may either annex Penge to the borough of Lewisham or to the borough of Camberwell, or separate it from the county of London and make it form part of the county of Surrey or of the county of Kent, and if it is so separated shall provide for constituting it an urban district, or for adding it to an adjoining county borough or urban district, and if necessary shall determine the county electoral division to which it is to belong.

(2) A scheme under this Act shall make

such provision as may be necessary for the apportionment and transfer of property and liabilities, and for the repeal of the application to Penge of the Metropolis Management Acts, 1855 to 1893, and any other enactments applying to London, and for the application thereto of the Public Health Acts and other enactments not applying to London.

Penge has always been a vexed question. It is in the county of London, but outside the Metropolitan Poor Law system for poor law purposes.

The section leaves the question of its future position to the tender mercies of the Privy Council, which in its discretion may either take it away from the county of London and add it to either Surrey or Kent, to which it adjoins, or it may add it to the new borough of Lewisham or to the new borough of Camberwell.

If it is taken out of the county of London it may become an urban district, with local self-government under the Local Government Act, 1894, or it may be added to some adjoining borough or urban district. At any rate, so far as can be seen, the anomalous condition of Penge will now come to an end, for the section provides that if the connection of Penge with London is to be severed a scheme to be framed under this Act shall take Penge out of the provisions of the Metropolis Management Act, and any other Acts which apply to London, and to apply to it the provisions of the Public Health Acts and other Acts which apply to urban districts outside the metropolis.

**21.** An Order in Council under this Act may detach Kensington Palace from the borough of Westminster and attach it to the borough of Kensington.

This would seem to be an appropriate provision.

**22.** The places known as the Inner and Middle Temples shall for the purposes of this Act be deemed to be within the City of London.

The Inner and Middle Temples have from time immemorial claimed to be extra-parochial. No poor rates are collected in the Temple. The only rate collected directly from the tenants is the City police rate. The London County and School Board rates are paid by the treasurers of the Inns.

No alteration is made in their position, because the City is excluded from the Act—on the other hand, the other Inns outside the City, Lincoln's Inn and Gray's Inn, are for the first time brought within the full power of a local authority. For parliamentary and county council purposes the two Inns have hitherto been included in the City of London.

#### SUPPLEMENTAL.

**23.—(1)** Nothing in this Act shall transfer to a borough council any powers or duties of a vestry which relate to the affairs of the Church or any interest of a vestry in any church property, or shall make any incumbent or

churchwarden an *ex-officio* member of a borough council, and a scheme under this Act shall provide for vesting any such powers and duties in the inhabitants of some parish or ecclesiastical district, and for vesting any such interest in the incumbent and churchwardens or one or some of them, and for the collection of any rate connected with a church or an incumbent by the churchwardens, or by officers appointed for the purpose.

(2) Provided that any building which belongs to any body whose powers and duties are transferred to any borough council by or under this Act, and which has been erected wholly or partly on a churchyard shall, with its appurtenances, be transferred to and vest in the council, subject to such right of use for church purposes as may be given by the scheme.

(3) As from the appointed day, the churchwardens of every parish within a metropolitan borough shall cease to be overseers, and references in any Act to the churchwardens and overseers of any such parish shall, except so far as those references relate to the affairs of the church, be construed as references to the council of the borough comprising the parish, and the legal interest in all property vested either in the overseers or churchwardens and overseers of any such parish (other than pro-

erty connected with the affairs of the church or held for an ecclesiastical charity within the meaning of the Local Government Act, 1894), shall, subject to the provisions of any scheme under this Act, vest in the borough council.

(4) Provision shall be made by scheme under this Act for substituting nominees of the borough council for overseers as trustees of any charity, due regard being had to the area benefited by the charity.

(5) The Charity Commissioners shall, for the purposes of this Act, have the like powers with respect to charities, subject to the like appeal, as they have under and for the purposes of the Local Government Act, 1894.

(6) Nothing in this Act shall affect the right to the benefit of any charity, or shall alter or confer any power of altering the defined charitable purposes (if any) to which any property is by law applicable at the passing of this Act.

The ecclesiastical functions exercised by churchwardens are to be excluded from the powers of the new borough council. The incumbent and churchwardens who were *ex-officio* members of the vestry prior to Local Government Act, 1894, are not to be *ex-officio* members of the new borough councils.

There are very few cases in London where any rate can be compulsorily raised towards the upkeep of the church or the payment of the incumbent's stipend.

Where there are any such rates, the Privy Council will prepare a scheme to provide for such matters. As to schemes under the Act see page 42

Where any public building, such as a mortuary or public offices, has been erected on consecrated land the right in the building and any appurtenances will be transferred to the new borough councils.

Any charity other than an ecclesiastical charity which has been administered by trustees appointed by the vestries will in future be administered by trustees appointed by the new borough councils.

An ecclesiastical charity as defined by the Local Government Act, 1894, is one, the endowment of which is held for some or one of the following purposes :—

- (a) For any spiritual purpose which is a legal purpose.
- (b) For the benefit of any spiritual person or ecclesiastical officer as such ; or
- (c) For use if a building, as a church, chapel, mission room, or Sunday school, or otherwise by any particular Church or denomination ; or
- (d) For the maintenance, repair, or improvement of any such building as aforesaid, or for the maintenance of Divine service therein ; or
- (e) Otherwise for the benefit of any particular Church or denomination or of any members thereof as such.

**24.** With respect to a mayor of a borough being by virtue of his office a justice of the peace—

- (1) he shall become a justice of the peace for the county of London ;

- (2) he shall not be disqualified by reason of being a solicitor practising or carrying on business in the county of London or City of London ;
- (3) he shall not practise as a solicitor before any justices of the county of London.

By the Local Government Act, 1894, the chairmen of London vestries were made *ex-officio* justices of the peace. The Act provides for the mayors of the new municipalities having the same privilege, but only during his period of office. In provincial boroughs the mayor is not only a Justice of the Peace during his year of office, but for the following year in addition. Another instance of the distinction made between ordinary boroughs and the new metropolitan boroughs.

**25.** In case of the illness or absence of the town clerk, the borough council may appoint a deputy town clerk to hold office during their pleasure, and all things required or authorised by law to be done by or to the town clerk may be done by or to the deputy town clerk, and no defect in the appointment of a deputy shall invalidate his acts.

This is following out the provisions of the Municipal Corporations Act, 1882, where by sec. 17 it is provided that the council may appoint a deputy town clerk, in case of illness or absence of the town clerk, to hold office during their pleasure, and making all his acts as deputy town clerk legal.

**26.**—(1) Whenever the Local Government Board is satisfied that a *primâ facie* case is made out for a proposal for the alteration of the number of wards of a metropolitan borough, or of the boundaries of any ward, or of the apportionment of the members of the council among the wards, the Local Government Board may cause such inquiry to be made and such notices to be given as they may think expedient; and if satisfied that the proposal is desirable, may make an order accordingly.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied, in such manner as the Local Government Board may direct.

(3) The expenses of and incidental to the making of the order shall be paid by the borough council.

Hitherto the power to divide parishes into wards has been in the county council. At the present time throughout London the wards are conterminous with the guardian wards; and although in many cases in London they have been again subdivided by the county council into polling districts for county council purposes and have been similarly divided either by the justices in petty session or by the council for parliamentary purposes, the council's action has resulted in producing perfect accord between the different divisions.

Now, however, after the Privy Council has fixed under sec. 2 the number of members for each

ward and the boundaries of the wards, the Local Government Board, which knows practically nothing about London, is to be the authority to make any alteration in the order so made. Before the order is made they will put the locality to all the expense of a local inquiry, and give notices for that purpose as they may consider expedient.

This is an unnecessary interference with the power of the county council, which can fairly claim to know more about the requirements of London districts than the Local Government Board does or ever can.

An absolutely free hand is given to the Local Government Board in the matter, whereas the county council before making an alteration had certain rules to obey under the Metropolis Management Acts.

In the first place, it was necessary that application to divide or re-divide a parish into wards had to be by petition, signed by at least 500 rated householders. In the second place, that no ward should contain less than 500 rated householders. Thirdly, that the Order made by the county council should be gazetted, and that within two months the Home Secretary should either approve or disapprove. Whereas under the present Act there are no conditions as to numbers of rated householders necessary for a ward.

Under this Act there is no limit to the number of wards except the pleasure of the Local Government Board.

The Privy Council is to fix the number of councillors and the boundaries of wards, and the number of representatives, subject to the number being divisible by three; they are also to have regard, in dividing the wards, to the rateable value and the population. Not so the Local Govern-

ment Board afterwards, however. If they are satisfied that a proposal is desirable they make an Order accordingly. Considering the migratory conditions of the population of London, and the necessity for dealing with the condition existing at the time an Order for re-division is made, it would seem to be better that the rated householders should have been taken as the basis, rather than the population. The latter may be taken from the census, which is that of several years back ; whereas the ratebook is brought up to date. In fact, there will be considerable difficulty in taking the census basis, inasmuch as the census areas are not small enough to obtain accurate information for the sub-division contemplated.

**27.**—(1) An Order in Council under this Act shall—

- (a) give each of the metropolitan boroughs an appropriate name ; and
- (b) fix the days, years, and times for the retirement of the first aldermen and councillors ; and
- (c) give such directions as to the first meeting of the borough councils, and make such other temporary modifications of the provisions of this Act, as may appear to Her Majesty to be necessary or proper for making those provisions applicable in the case of the first constitution of a borough council.

(2) An Order in Council under this Act may

make such provisions as appear necessary for adapting the enactments relating to the registration of electors to the provisions of this Act with respect to the powers and duties of the town clerk and overseers, and in particular for applying, so far as appears necessary, the law regulating the registration of electors in a municipal borough outside London.

(3) An Order in Council under this Act shall provide for the revised lists of voters in the administrative county of London outside the city being, in the year one thousand nine hundred, printed and signed before the twentieth day of October, and coming into operation as the register for the purpose of borough elections on the first day of November, and may provide for such adjustment of the list of voters and registers with respect to any alteration under this Act of parish boundaries as may appear required for the purpose of those elections.

(4) On the day on which the first borough councillors elected under this Act come into office, the persons who are then members of elective vestries or district boards, and the auditors and overseers of any place to be included in a borough, shall cease to hold office, and until that day the persons who are at the passing of this Act members of elective

vestries and district boards, and auditors and overseers, shall continue in office as if the term of office for which they were elected or appointed expired on that day, and, except for the purpose of filling casual vacancies, no further election or appointment shall be held or made.

The section provides for the registers for London outside the City being prepared and published before the 20th October, 1900, in readiness for the election, either on November 1st or such later date as the President of the Privy Council shall think fit to appoint. In the City the register for corporation purposes is always ready for the ward elections to the Common Council, which take place on November 1st. It will be noted that the registers so prepared, although they will be ready for municipal purposes on October 20th, will not be useable for parliamentary purposes till the 1st of January in the next year. Section 3 provides that in after years the register will be published on October 20th, and all elections for the London Municipality will take place on November 1st. The section provides for the continuance in office of the present vestrymen until the new municipal councillors come into office. No further elections to the vestries can take place except as casual vacancies.

Casual vacancies arising within six months of the termination of the period of office are left unfilled, those before June 1st, 1900, will be filled in the ordinary way of election.

**28.—(1)** Sections two hundred and ninety-

seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply to any Provisional Order made under this Act as if it were a Provisional Order made under that Act, except that the expenses incidental to the Provisional Order shall be defrayed by the councils concerned in such proportions as the Local Government Board may determine.

(2) Sub-sections one and five of section eighty-seven of the Local Government Act, 1888, shall apply to any proceedings of the Local Government Board under or for the purposes of this Act.

(3) Where the Local Government Board are authorised by this Act to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and, if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of matters under this Act.

Sections 297 and 298 of the Public Health Act, 1875, relate to the making of Provisional Orders by the Local Government Board.

The board is to publish in two successive

weeks in some local newspaper the purport of the Order.

They are to consider any objections made by persons affected, and if necessary hold a local inquiry.

The Order of the Local Government Board requires to be confirmed by Parliament. If a petition is presented against the Order the Bill must be referred to a select committee, and the petitioners may appear to oppose by counsel or otherwise. The costs of the local authority with respect to Provisional Orders, whether in promoting or opposing will be considered as expenses properly incurred, and will be defrayed out of the rates, and if necessary the local authority may, with the consent of the Local Government Board, raise a loan for the purpose of defraying the costs of the inquiry.

Sub-sections 1 and 5 of the Local Government Act, 1888, here referred to, only apply the above sections of the Public Health Act, 1875, except that they include in the cost of any local inquiry the salary of any inspector or officer of the Local Government Board, not exceeding three guineas a day, the Local Government Board certifies the amount of the cost to be paid by the council and it thereupon becomes a debt to the Crown.

**29.** If any question arises, or is about to arise, as to whether any power, duty, or liability is or is not transferred by or under this Act to the council of any metropolitan borough, or any property is or is not vested in any such council, that question, without prejudice to any other mode of trying it, may, on

the application of the council, be submitted for decision to the High Court in such summary manner as, subject to any rules of court, may be directed by the court; and the court, after hearing such parties and taking such evidence (if any) as it thinks just, shall decide the question.

Apparently only the borough council has power to apply to the High Court to settle any disputes as to whether any power or liability has been transferred to them or as to the vesting of property in the new council. The county council, which might naturally be thought to be equally interested, has no such power, and there is no right of appeal from the decision of the High Court.

**30.**—(1) Where the powers and duties of any authority are transferred by or under this Act to any borough council, the existing officers of that authority shall be transferred to and become the officers of that council. Any assistant overseers, rate collectors, and other officers employed in the performance of duties of overseers within a borough shall also be transferred to and become officers of the council for that borough. The council may abolish the office of any such officer whose office they may deem unnecessary; but any officer required to perform duties such as are not analogous, or which are an unreasonable

addition to those which he is at present required to perform, may relinquish his office, and any officer so relinquishing his office, or whose office is abolished, shall be entitled to compensation under this Act.

(2) Sub-sections four and seven of section eighty-one of the Local Government Act, 1894, shall apply to the existing officers affected by this Act as if references in those sub-sections to the district council were references to the borough council, and all expenses incurred by the borough council in pursuance of those sub-sections shall be paid out of the general rate : Provided that the borough council may, if it thinks fit, take into account continuous service under any authority or authorities to which this Act refers, in order to calculate the total period of service of any officer entitled to compensation under this Act.

(3) For the purposes of this section "existing officers" shall mean officers holding office on the twenty-fourth day of February one thousand eight hundred and ninety-nine and also at the passing of this Act.

(4) A scheme under this Act may make such provisions as may appear necessary for carrying this section into effect, and if necessary for determining the authority to whom any existing officer is to be transferred, and for

applying the provisions of this section to any officer who suffers pecuniary loss by reason of anything in or done under this Act, although he is not transferred to a borough council, and although he is not an officer of an authority whose powers and duties are transferred by or under this Act, and for determining in any such case the fund out of which compensation is to be paid.

The existing officers of vestries which are joined in a municipal borough have little cause of complaint as to their treatment. They are to become at once officers of the new municipality, and if the position means more work, or work of a different kind to that hitherto performed, the officer may claim to relinquish his office and obtain compensation under the Act. By this section existing officers are defined as those who held office on 27th February, 1899, and held office at the passing of this Act. Therefore less than six months qualifies a man to compensation if he chooses to relinquish his position under the conditions above stated.

On the other hand, continuous service under any of the authorities mentioned in the Act may be added to the service of any officer entitled to compensation.

The new council has power to abolish any office where they consider under the new state of things his office is unnecessary, but the officer whose office is abolished is entitled to compensation.

The provisions of the Local Government Act, 1894, referred to provide that any officer shall hold

his office by the same tenure and upon the same conditions as before the passing of the Act, and that he shall not receive less salary than heretofore. If compensation has to be paid on retirement the expenses come out of the borough general rate.

Like everything else in this Act which remains in any doubt, provisions for carrying this matter out are relegated to a scheme to be framed by the Committee of the Privy Council.

**31.**—(1) Where any Act passed before the passing of this Act contains expressions referring to a borough, those expressions shall not be construed as referring to a metropolitan borough created by this Act unless applied thereto by or under the provisions of this Act or of any subsequent enactment.

(2) Any enactment in any Act, whether general or local, referring to an authority whose powers or duties are transferred by or under this Act to a borough council shall be construed with the necessary modifications, including the substitution of the borough council for that authority and of the borough for the area of that authority.

(3) Nothing in or done under this Act shall be construed as altering the limits of any parliamentary borough or parliamentary county.

(4) Except so far as the areas of parishes and sanitary districts are altered by or under

this Act, nothing in this Act shall affect the London (Equalisation of Rates) Act, 1894.

(5) Nothing in this Act, or in any order or scheme under this Act, shall abridge, alter, or affect the powers, rights, duties, or jurisdiction of the School Board for London over the area which for the time being constitutes the administrative county of London.

By this section the provisions of the Municipal Corporations Act, which governs every other important corporation in the country (excepting always the City of London) are withheld from London, unless they are specifically mentioned in the Act. The present areas of parliamentary boroughs in London are not to be altered, therefore the condition of London will become still more anomalous. Voters in Whitechapel will be electors for the municipal borough of Stepney, and parliamentary electors for the parliamentary borough of the Tower Hamlets ; instances of this may be multiplied. The divisions will not necessarily coincide with school board or poor law areas.

The section provides that nothing in the Act shall affect the Equalisation of Rates Act, and that therefore the present system of raising a common rate of sixpence in the pound on the rateable value all over London, and distributing it according to population will still prevail, but the equalisation must be affected, from the fact that certain portions of districts now included in London are to be included in adjoining counties and that places not now included in the county are hereafter to form portion of the county of London,

and that the areas of the sanitary districts are altered.

Under the Equalisation of Rates Act, 1894, the distribution of this common rate is according to sanitary districts and for the purposes of sanitation, lighting, and maintenance of roads.

Where one parish forms the new borough no alteration will be effected, but by the new grouping of parishes into metropolitan boroughs, the distribution must be seriously affected. Take for example Clerkenwell and St. Luke's. These will form part of one borough. Taking the present condition of valuation and population within the metropolitan and local areas, the following will be the approximate alteration in rating:—

	BEFORE THE ACT		d.
Clerkenwell received	...	...	2.07
St. Luke's paid	...	...	0.14
NOW			
Clerkenwell will receive...	...	...	1.20
St. Luke's will receive ...	...	...	0.87
thus worsening the inhabitants of Clerkenwell.			
St. Olave district, Bermondsey, and Rotherhithe are to form one borough.			
	BEFORE THE ACT		d.
St. Olave and St. Thomas paid...	...	...	5.05
Horselydown paid	...	...	0.91
Bermondsey received	...	...	3.33
Rotherhithe received	...	...	2.54
NOW			
St. Olave will receive ...	...	...	0.19
Horselydown will receive	...	...	1.01
Bermondsey will receive	...	...	1.85
Rotherhithe will receive...	...	...	1.69

Thus, so far as the Equalisation Fund is concerned, St. Olave and St. Thomas will have a benefit equal to a rate of  $5\frac{1}{4}$ d., while Bermondsey and Rotherhithe will each lose by the arrangement, in one case nearly  $1\frac{1}{2}$ d. in the pound and in the other a little less than 1d.

This bears unfairly on the poorer parishes in the group, the rates in St. Olave and St. Thomas being 6s. 7d. in the £, while in Bermondsey they are 7s. 6d., and Rotherhithe 8s. 5d.

**32.** Nothing in this Act shall authorise any borough council to alienate any recreation ground or other open space dedicated to the use of the public, or any land held on trusts which prohibit building thereon.

This section restricts the provision of sec. 6, sub-sec. 5, although by that section the council may alienate land and apply the proceeds of the sale either towards the discharge of loans or other purposes, it is not to apply to any open space or recreation ground dedicated to the public or held under trusts prohibiting building.

**33.—(1)** For the purposes of this Act the appointed day shall be the day on which the members of the borough councils first elected under this Act come into office, or such other day not being more than six months earlier or later, as the Lord President of the Council may appoint, either generally, or with reference to any particular provision of this Act, and

different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different boroughs.

(2) Subject to the provisions of any scheme under this Act, and to such adaptations as may be made by order in council, sections eighty-five to eighty-eight of the Local Government Act, 1894 (which contain transitory provisions), shall apply in the case of boroughs and borough council under this Act.

The appointed day will be the first day on which the council meets to transact business, or such other day as the Lord President of the Council may appoint.

The sections of the Local Government Act here referred to and incorporated with this Act relate to the rates collectable before the passing of the Act and the proceedings for their enforcement, that they may be dealt with as if this Act had not been passed.

Also that until the parish accounts have been audited for this purpose the old authority or committee shall be deemed to be still in office, and that proceedings already commenced may be carried on, that a valuation list shall continue in force until a new one is made, and that the alteration of the name of any authority shall not affect their identity as a corporate body.

It further provides for the discharge of the liabilities of the old authority by the new authority, for the retention of bye-laws made by the old authority until altered, and for saving of any rights

under contracts made by the old authority, and for the continuance of the present wards.

**34.** In this Act, unless the context otherwise requires—

The expression “administrative vestry” means a vestry having the powers of a vestry elected for a parish specified in Schedule A. to the Metropolis Management Act, 1855; and the expression “elective vestry” means any vestry elected under the Metropolis Management Act, 1855:

The expression “rateable value” shall include the value of Government property upon which a contribution in lieu of rates is paid:

The expressions “powers,” “duties,” “property,” “liabilities,” and “powers, duties, and liabilities,” have respectively the same meanings as in the Local Government Act, 1888:

The expression “adoptive Acts” means the Baths and Washhouses Acts, 1846 to 1896, the Burial Acts, 1852 to 1885, and the Public Libraries Acts, 1892 and 1893:

The expression “local Act” includes a provisional order confirmed by an Act,

and the Act confirming the order ; and the expression “enactment” includes a provision of any such order.

As already mentioned, prior to the passing of this Act certain parishes were self-contained and were governed by administrative vestries, others were joined together, and the vestries for each such parish had practically only one important duty to perform, viz., to elect from itself representatives to go on a local board which administered the joint parishes, as in other cases the administrative vestry administered the single parish. There is now no difference in London government ; each locality forms part of some London borough and the anomaly hitherto existing is swept away.

**35.**—(1) This Act may be cited as the London Government Act, 1899.

(2) As from the appointed day the enactments mentioned in the Third Schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned.

As to the effect of these repeals, see page 87.

# S C H E D U L E S.

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## FIRST SCHEDULE.

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### AREAS WHICH ARE TO BE BOROUGHS.

The parishes of—

Battersea.	Islington.
Bethnal Green.	Kensington.
Camberwell.	Lambeth.
Chelsea.	Paddington.
Fulham.	St. Marylebone.
Hackney.	St. Pancras.
Hammersmith.	Shoreditch.
Hampstead.	

The area consisting of the parishes of Mile End Old Town and St. George's-in-the-East and the districts of the Limehouse and Whitechapel Boards of Works including the Tower of London and the liberties thereof.

The district of the Poplar Board of Works.

The district of the Wandsworth Board of Works.

The area consisting of the parishes of St. George the Martyr, Christchurch, Southwark, St. Saviour, Southwark, and Newington.

The area consisting of the parishes of

Rotherhithe, Bermondsey, Horselydown, and St. Olave and St. Thomas, Southwark.

The area of the parliamentary division of Holborn.

The area consisting of the parliamentary divisions of East and Central Finsbury.

The area of the parliamentary borough of Deptford.

The area of the parliamentary borough of Greenwich.

The area of the parliamentary borough of Lewisham.

The area of the parliamentary borough of Woolwich.

The area of the ancient parliamentary borough of Westminster, comprising the parishes of St. Margaret and St. John, Westminster, the parish of St. George, Hanover Square, the parish of St. James, Westminster, the parish of St. Martin-in-the-Fields and the district of the Strand Board of Works, and including the Close of the Collegiate Church of St. Peter, Westminster, and the Liberty of the Rolls.

The area consisting of the parish of Stoke Newington and of the urban district of South Hornsey, or so much thereof as may be incorporated with the county of London under this Act.

## THE NEW BOROUGHS.

## THEIR AREAS, POPULATION, AND RATEABLE VALUE.

	Area.	Popula- tion, 1896 Census.	Rateable value, 1899.
1. City of London ... ...	Acres. 670	31,108	4,550,624 £
<i>Boroughs consisting of single parishes—</i>			
2. Battersea ... ...	2,169	165,115	906,235
3. Bethnal-green ... ...	755	129,162	457,519
4. Camberwell ... ...	4,450	253,076	1,193,010
5. Chelsea * ... ...	650	75,196	744,958
6. Deptford ... ...	1,574	107,273	549,759
7. Fulham ... ...	1,701	113,781	639,585
8. Hackney ... ...	3,299	213,044	1,100,435
9. Hammersmith ... ...	2,286	104,199	610,211
10. Hampstead ... ...	2,248	75,449	851,413
11. Islington ... ...	3,100	336,764	1,816,925
12. Kensington * ... ...	2,188	170,465	2,127,537
13. Lambeth * ... ...	3,941	205,033	1,712,289
14. Paddington * ... ...	1,256	124,506	1,332,347
15. St. Marylebone ... ...	1,506	141,188	1,608,771
16. St. Pancras ... ...	2,672	240,764	1,672,690
17. Shoreditch ... ...	648	122,358	708,644
<i>Boroughs consisting of several parishes—</i>			
18. Bow. [Bow, Bromley and Poplar]	2,333	169,267	746,854
19. Finsbury. [Charterhouse, Clerkenwell, Glasshouse-yard, St. Luke, and St. Sepulchre]	588	109,961	890,634
20. Greenwich. [Charlton, Deptford St. Nicholas, Greenwich, and Kidbrooke]	3,837	84,429	517,320
21. Holborn. [Furnival's - inn, Gray's - inn, Lincoln's - inn, Saffron-hill, St. Andrew and St. George, St. Giles and St. George, and Staple-inn]	409	67,400	836,851
22. Lewisham. [Lewisham and Lee]	7,011	99,962	732,283

\* Subject to possible alteration of area by the Commissioners.

THE NEW BOROUGHHS (*continued*).

	Area.	Population, 1896 Census.	* Rateable value, 1899.
23. St. Olave. [Bermondsey, Horselydown, Rotherhithe, and St. Olave and St. Thomas]	Acres. 1,506	137,585	£ 864,318
24. Southwark. [Christchurch, Newington, St. George-the-Martyr and St. Saviour]	1,119	206,582	1,158,775
25. Stepney. [Aldgate, Christchurch Spitalfields, Limehouse, Mile-end New-town, Mile-end Old-town, Norton Folgate, Old Artillery-ground, Ratcliff, St. George-in - the - East, Shadwell, Wapping, and Whitechapel]	1,765	295,547	1,348,943
26. Wandsworth. [Clapham, Mitcham (det.), Putney, Streatham, Tooting Gravene, and Wandsworth]	9,106	184,684	1,333,109
27. Westminster. [Rolls, St. Anne Westminster, St. Clement Danes, St. George Hanover-square, St. James Westminster, St. Margaret and St. John, St. Martin-in-the-Fields, St. Mary - le - Strand, St. Paul Covent Garden, St. Peter Westminster, and Savoy]	2,555	193,465	4,977,802
28. Woolwich. [Eltham, Plumstead, and Woolwich]	8,296	106,477	558,194
29. Stoke Newington. [South Hornsey and Stoke Newington]	868	50,377 <sup>†</sup>	320,089
Penge † ... ... ...	770	21,308	153,310

† Penge is to be added either to Camberwell or Lewisham, or taken out of the County of London altogether.

<sup>‡</sup> The figures for Hornsey relate to the 1891 census.\*

## SECOND SCHEDULE.

## PART I.

## MINOR POWERS AND DUTIES TO BE TRANSFERRED FROM COUNTY COUNCIL.

Powers and Duties transferred.	Conditions of Transfer.
Power under section eighty-four of the London Building Act, 1894, to license the setting up of wooden structures, and power to take proceedings for default in obtaining or observing the conditions of a licence under that section.	
Power under section one hundred and thirty-four of the London Building Act, 1894, in relation to the removal of unauthorised sky signs.	Subject in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.
Powers under section one hundred and ninety-nine of the London Building Act, 1894, which section relates to the removal of obstructions in streets.	
Power under section twenty-eight of the Public Health (London) Act, 1891, of registering dairy-men.	Subject to the power of the London County Council to make bye-laws, and in case of default to the provisions of the Public Health (London) Act, 1891, as if the default were a default under that Act.

## PART II.

## POWERS OF COUNTY COUNCIL TO BE EXERCISED ALSO BY BOROUGH COUNCILS.

Power exercisable.	Conditions of Exercise.
Power under section one hundred and seventy of the London Building Act, 1894, which section relates to the demolition of buildings in case of the conviction for an offence against the Act, or bye-laws made under it.	The power to be exercised only where the borough council have obtained the conviction.
Power to take proceedings in respect of timber or other articles piled, stacked, or stored in contravention of section one hundred and ninety-seven or section two hundred (11) (h) of the London Building Act, 1894.	The power to be exercised only within the borough.
Powers under sections seventeen to twenty-five of the Metropolis Water Act, 1871, with respect to regulations of water companies.	The power to be exercised only with respect to a water company supplying any part of the borough.
Power under section seven of the Railway and Canal Traffic Act, 1888, to make or appear in opposition to certain complaints.	
Powers under section sixty-five of the Local Government Act, 1888, which section relates to the acquisition of land.	The power to be exercised only where the land is required for the purpose of any of the powers or duties of the borough council.
Power to adopt Part III. of the Housing of the Working Classes Act, 1890.	The power to be exercised only within the borough.
Power to make bye-laws under section twenty-three of the Municipal Corporations Act, 1882, as applied by section sixteen of the Local Government Act, 1888.	The bye-laws to be in force only within the borough and not to be inconsistent with any bye-laws made by the county council.

### THIRD SCHEDULE.

#### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal
6 & 7 Vict. c. 18.	The Parliamentary Voters (Registration) Act, 1843.	In section fifty-six, the words "or to the town clerk of the borough of Southwark" and the words "and in regard to the borough of Southwark the high bailiff of the said borough."
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855	Sections two and three. Section five. Section seven. Section eight, from the beginning to "shall be elected and," and the words "with such other persons as herein-before mentioned." Sections eleven and twelve. Section twenty-eight to "every such meeting." Section twenty-nine. Sections thirty-one to forty-two. Sections fifty-five and fifty-six. Sections fifty-seven, fifty-eight, sixty, sixty-one and sixty-six, so far as they relate to district boards and their districts, and section fifty-eight, from "Provided always" to the end of the section. Section ninety-one, from "save as regards" to "any of the said Acts; and." Section one hundred and fifty-four, from "may sell and dispose of any land" to "just ;

THIRD SCHEDULE (*continued*).

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120 — <i>cont.</i>	The Metropolis Management Act, 1855— <i>cont.</i>	and any such board or vestry," except in so far as it applies to the Metropolitan Board of Works.
		Section one hundred and fifty-eight, from "but every such vestry."
		Sections one hundred and sixty-one to one hundred and sixty-five.
		Sections one hundred and sixty-six to one hundred and sixty-nine.
		Sections one hundred and seventy-two to one hundred and seventy-four.
		Sections one hundred and seventy-five to one hundred and seventy-nine.
		Sections one hundred and ninety-two to one hundred and ninety-seven.
		In section one hundred and ninety-eight, the words "the said account in abstract" to "printed therewith," and the words "account in abstract, statement, and" wherever they occur.
		In section one hundred and ninety-nine, the words "according to the provisions of this Act."
		Section two hundred and thirty-seven, from "nor shall such parts" to "cleansing."
		Section two hundred and thirty-eight.

THIRD SCHEDULE (*continued*).

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	In section eight, the words "and the precepts for obtaining payment of moneys required by the board for that purpose." Sections nine to twelve. Section fourteen. Section fifteen, so far as it relates to vestries and district boards. Section sixteen. Section thirty-seven, so far as it relates to district boards. Section thirty-eight. Section forty. Section forty-one. In section fifty-six, the words "out of the sewers rate to be levied in their parish or district." In section eighty-four, the words "with the previous sanction of the Metropolitan Board of Works" and the words "allowed by the Metropolitan Board." The forms of precept in Schedule C.
48 & 49 Vict. c. 23.	The Redistribution of Seats Act, 1885.	In section twelve the words "and also the town clerk for the new borough within the meaning of the Registration Acts."
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	Sections one hundred and two and one hundred and forty, and the Second Schedule.
55 & 56 Vict. c. 53.	The Public Libraries Act, 1892.	Section twenty-two.

THIRD SCHEDULE (*continued*).

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	<p>In section thirty-one, the words "the local board of Woolwich and"; the words "and the auditors for parishes elected under those Acts, and so far as respects the qualification of persons to be elected as if members of the district boards under the said Acts," and the words "and no person shall ex-officio be chairman of any of the said vestries"; and sub-section (2).</p> <p>At the end of section forty-six, the words "and in the case of London auditors as if they were members of a district council."</p>
		<p>In section forty-eight, sub-section (4), the words "and of members of the local board of Woolwich"; and in sub-section (5), the words "local board or" and "or auditor."</p>
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Section fifteen.
58 & 59 Vict. c. cxxvii.	The London County Council (General Powers) Act, 1895.	Section forty-two.

Section 56 of the Registration Act, 1843, part of which is repealed, provided that wherever the words "town clerk" occurred in that Act, it should not apply to the town clerks of the City of London and of Westminster, and that where duties were to be performed by persons occupying similar positions in those cities, they should apply in the City of London to the secondary, in Westminster to the high bailiff, and in the borough of Southwark to the high bailiff of the borough.

As the Act provides for the appointment of a town clerk to the new borough of Southwark, it was necessary to repeal this portion of the section.

The sections of the Metropolis Management Acts now repealed, deal with the fixing of the numbers of members of vestries, the division of parishes into wards, the formation of district boards, the right to alienate land (which now can only be done in certain cases and with the consent of the Local Government Board), the expenses of vestries, the annual elections of members of district boards, the payment of cost of making certain sewers out of sewers rate (the Act now provides for this being made out of the general rate), the necessity for obtaining sanction to stop up streets during the execution of works, and other matters, which are now otherwise provided for in the present Act.



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